

REMARKS

Claims 1-23 are pending in the present application. The Examiner has objected to claims 9 and 15 and rejected claims 1-23.

The Examiner objected to claims 9 and 15 for noted informalities. In particular, the Examiner objected to the phrase "client/server" which was deemed indefinite. Applicant has amended the claims to overcome the objection. It is therefore respectfully requested that the objection be withdrawn with respect to claims 9 and 15.

Claims 1-9, 13-17 and 20-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Publication No. 2001/0019956 ("Tada"). Applicant respectfully traverses the rejection.

To anticipate claim 1, Tada must describe each and every element as set forth in claim 1. Tada does not describe each and every element as set forth in claim 1. For example, 1 recites "performing an inquiry scan for a random duration following said inquiry".

The Office Action alleges that Tada describes each of these elements at Paragraphs 0036, 0085, 0088, 0091 and 0093. See Office Action at page 2. Tada at Paragraph 0085 appears to describe that a user can manually stop transmission by an application and perform Inquiry Scan and Page Scan instead of automatic execution of Inquiry Scan and Page Scan. The user can explicitly output an Inquiry Scan or Page Scan execution instruction. See Tada at Paragraph 0085. Tada at Paragraph 0088 appears to describe that the user can manually stop transmission as discussed in Paragraph 0085 by pressing a "member join" button of a user interface window. The instruction performs the periodical execution of Inquiry Scan/Page Scan. See Tada at Paragraph 0088. Tada at paragraph 0091, if "data communication stop" is selected, then time interval of Inquiry Scan is then set to the minimum value to quickly responds to a terminal search message. If "terminal search priority" is selected, then the time interval of Inquiry Scan is set to a value X2. See Tada at Paragraph 0091. Tada at Paragraph 0092 states that if "data communication priority" is selected, then the time interval of Inquiry Scan is set to value X1. If "no terminal search" is selected, then the time interval of Inquiry Scan is set to maximum value. See Tada at Paragraph 0092. Tada at Paragraph 0093 states that the time interval of Inquiry is variably controlled in accordance with the mode selected by the user. See Tada at Paragraph

0093. The modes selected by the user are "data communication stop", "terminal search priority", "data communication priority" and "no terminal search". See, e.g., Tada at Paragraph 0091.

Thus, Tada describes a user selecting one of four (4) modes with each mode having a corresponding value (i.e., the minimum value, X2, X1 and the maximum value where the minimum value is less than X2 which is less than X1 which is less than the maximum value). The corresponding value is a time interval of Inquiry Scan.

The Office Action characterizes Tada as describing that "[t]he user manually stops transmission and performs Inquiry scan at his own desire by selecting suitable time interval, therefore, the time interval during which Inquiry scan can be performed is varied or set randomly by the user". In fact, the time intervals are set between four (4) values which are chosen by the user correspondingly selecting one of four (4) modes. The user does not randomly select modes, thereby selecting one of the four (4) time intervals. Tada does not describe and would not teach or suggest randomly selecting modes. The Office Action incorrectly equates variation with randomness. A process can be variable without having to be random. Since Tada does not describe or otherwise teach randomness, the anticipation rejection cannot be maintained.

Accordingly, it is respectfully requested that the anticipation rejection be withdrawn respect to claim 1 and its dependent claims (i.e., claims 2-6).

Claim 7 recites "performing inquiries at random intervals". Claim 13 recites "performing first inquiries at random intervals" and "performing second inquiries at random intervals". Claim 20 recites "means for performing inquiries at random intervals". In each case, the Office Action alleges similar arguments as were made with respect to claim 1. Accordingly, Applicant makes similar arguments, where appropriate, as were made with respect to claim 1. Applicant emphasizes that Tada does not describe or teach inquiries at random intervals. The Office Action incorrectly equates variation with randomness. In general, a process can be variable without having to be random. Since Tada does not describe or otherwise teach randomness, the anticipation rejection cannot be maintained.

Accordingly, it is respectfully requested that the anticipation rejection be withdrawn respect to claims 7, 13 and 20 and their dependent claims (i.e., claims 8, 9, 14-17 and 21-22).

Claims 10-12, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Tada in view of United States Publication No. 2002/0147027 ("Alford") and further in view of

United States Publication No. 2003/0036350 ("Jonsson"). Applicant respectfully traverses the rejection.

The failings in the teaching of Tada as set forth above are not made up by the teachings of Alford and Jonsson. Thus, the combined references do not teach and every element as set forth in claims 10-12, which depend from claim 9, and claims 18 and 19, which depend from claim 13. Thus, the obvious rejection cannot be maintained.

Accordingly, it is respectfully requested that the obviousness rejection be withdrawn respect to claims 10-12, 18 and 19.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over Tada in view of Alford.

The failings in the teaching of Tada as set forth above are not made up by the teachings of Alford. Thus, the combined references do not teach and every element as set forth in claim 23, which depends from claim 20. Thus, the obvious rejection cannot be maintained.

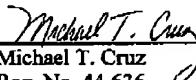
Accordingly, it is respectfully requested that the obviousness rejection be withdrawn respect to claim 23.

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-23 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: November 26, 2004

Respectfully submitted,



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